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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/080,461 05/19/98 ASAMA

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EXAMINER

TM02/1025

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WASHINGTON DC 20004

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ART UNIT

PAPER NUMBER

2173

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10/25/01 16

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/080,461

Applicant(s)
Asama et al.

Examiner
Thomas Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Sep 17, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-5, 12-15, and 17-20 is/are pending in the application

4a) Of the above, claim(s) 12-15 and 17-19 is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-5 and 20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

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DETAILED ACTION

1. Applicant's arguments filed on 9-17-2001 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram (pat. # 5,948,064) in view of Hopkins (pat. # 5,757,918).

Claim 1 is rejected. The Applicant teaches "a computer provided with an operating environment and a user recognizing unit." Bertram teaches accessing a computer by an administrator (fig. 9, #91); such a computer must be provided with an operating environment and a user recognizing unit such as a computer coupled with appropriate processor for processing logon commands. Any system for processing logon commands is a computer system having at least an operating environment and a user recognizing unit. Bertram teaches software for determining an authorized user that can be interpreted as requiring an information storage medium to be applied to the user recognizing unit (fig. 9). The software on this system must determine whether user has authorization. This software requires the use of some type of medium for its

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storing. Bertram teaches a system which includes an information storage medium storing a user environment information about environment suitable for a user, and the user recognizing unit reads the user-environment information stored in the information storage medium and changes the operating environment of the computer so as fit with the user-environment information (col. 10, lines 38 - 65). Bertram teaches user authentication which translates into a process that requires a data server storing user-environment information corresponding to user identification information identifying users (col. 4, lines 50 - 56). This authentication is used for identifying authorized users of a computer system. Bertram fails to teach an information storage medium being portable wherein the information storage medium stores user-environment information about environment suitable for a user.

Hopkins teach a method for personalizing a smart card, a type of removable medium, for maintaining security information (fig. 1; col. 15, lines 15 - 60). The Applicant teaches an “information storage medium stores user-environment information about environment suitable for a user”. Security information can be used for setting up an environment suitable for a user. This smart card is a portable hand held medium used for carrying user environment information. This smart card with its processor can be an “information storage medium stores user-environment information about environment suitable for a user” taught by the applicant. Further, this smart card with its additional memory and built in processor requires some type of operating environment to act as a type of user recognition unit. It would have been obvious to one with ordinary skill in the art at the time of the invention to provide an information storage medium

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which is portable wherein the information storage medium stores user environment information about the environment is suitable for a user. Doing so enables each user to access needed applications in a timely manner while preventing unauthorized or unnecessary access to unneeded applications.

Claims 4 is rejected. Bertram teaches the use of a non-native OS based environment which translates into a type of OS, a language in which information is to be displayed, for controlling usable applications software while interfacing with the layout of the keyboard (fig. 2). Any software requires an operating system. Betram makes reference to a Windows NT system which uses a keyboard as one of its input devices (col. 4, lines 34 - 57).

Claim 5 is rejected. Hopkins teaches the use of an ID card, a type if computer readable medium, containing a password (col. 4, lines 35-51). This id card is also a smart card. Such card typically contain extra data and often some type of processor.

Claim 20 is rejected. The Applicant teaches a "user-environment information stored in said information medium." The software taught by Bertram (abstract) requires a readable medium. Bertram teaches a machine referring to a computer, user information referring to user identification information identifying the user, and user setting information referring to user-environment information (col. 10, lines 53 - 65). Betram makes reference to a Windows NT system which uses a keyboard as one of its input devices (col. 4, lines 34 - 57). Windows is a dedicated operating system. This operating system has become widespread and uses various codes during set up. These codes are written in a given computer language. The use of a

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keyboard entails a dedicated keyboard layout. The language of this claim does not require a virtual keyboard. The keyboard layout taught by the Applicant can be a physical as well as a virtual keyboard.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram (pat. # 5,948,064) in view of Hopkins (pat. # 5,757,918) as applied to claims 1 and 6 above, and further in view of Dedrick (pat. # 5,710,884).

Claims 2 and 3 are rejected. Bertram fails to teach use of an ID card with computer readable information which can be translated as a portable information storage medium. The Applicant teaches an "information storage medium is readable by the user recognizing unit while being in a position apart from the user recognizing unit." Dedrick teaches the use of an ID card with computer readable information which can be translated as a portable information storage medium (col. 6, lines 23 - 67). The information unit is separate from the user recognizing unit. The recognizing unit is the processor and associated systems for determining legitimacy of input while the medium can be any removable id or disk. The said ID card is separate from the user recognizing unit. It would have been obvious to one with ordinary skill in the art at the time of the invention to provide an ID card with computer readable information which can be translated as a portable information storage medium because doing so allows for authorize customized access to computer systems while reducing database requirements for the said computer systems.

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Response to Arguments

5. Applicant's response filed 1-16-2001 have been fully considered. The Applicant request reconsideration of claims 1-5 while canceling claim 16 and adding claim 20.

The Applicant asserts that the patentable features of claim 1 include a portable information storage medium, an information storage medium for storing user environment information suitable to the user, and a user recognizing unit that reads the user environment information stored in the information storage medium and changes the operating environment of the computer so as to fit with the user environment information. The Applicant asserts that the computer by Bertram depends on communication between client and server. The Examiner asserts that the Applicant attempts to argue the claims using language that is beyond the scope of the claims. The Applicant further asserts that Hopkins and Bertram are substantially different from the invention contained in the invention. The Examiner asserts that Hopkins and Bertram can be interpreted as teaching claim 1 of the invention of the said applicant.

The Applicant asserts that the following features are patentable: 1) information storage medium that is portable and hand held, 2) information storage medium stores dedicated user environment suitable for a specific user, and 3) user recognizing unit reads the dedicated user environment information contained in the information storage medium and reacts to that specific user dedicated user environment information to change the operating environment of the computer to the dedicated operating environment suitable to the specific user so as to fit with the user environment information, 4) the user recognizing unit can read the user environment

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information about an environment suitable to the user wherein the user recognizing unit reads the user environment by wireless communication. The Examiner asserts that the claim language fails to provide any language supporting wireless communication. The Applicant asserts that the major drawback for Bertram and Hopkin is the requirement for personal identification and authentication. Further, the Applicant attempts to call point patentable that are widely accepted in the art at the time of the invention.

The Examiner responds that the claim language as stated can be interpreted to include identification and authentication. The Applicant further asserts that the invention provides no method or need for identifying or authenticating the user. The services each user wants is stored on a user's dedicated storage medium and the recognizing unit reads information and adaptively according to the information. The Examiner responds by stating that the claim language does not require a method wherein the user is not authenticated or identified. The Examiner further states that there is no minimum regarding the amount of user environment information stored. Additional information may be stored on a different medium or the same medium. The language of the independent claims also fails to distinctly claim a portable medium. The Applicant does not provide additional reasoning supporting the withdraw of the rejection of claims 2 - 5.

Due to at least the above reasons, the rejection of claims 1-5 remains standing. The Examiner also rejected claim 20.

Conclusion

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Joseph whose telephone number is (703) 305-2277. The examiner can normally be reached on Monday through Friday from 7:30 pm to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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tjj/10-23-2001

A handwritten signature in black ink, appearing to be 'tjj' or similar, written in a cursive style.A handwritten signature in black ink, appearing to be 'RAYMOND J. BAYERL', written in a cursive style.

RAYMOND J. BAYERL
PRIMARY EXAMINER
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